

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JACQUES DESROSIERS and
YOLETTE L. DESROSIERS

Plaintiffs,

v.

SIG SAUER, INC.

Defendants.

Case No. 1:22-cv-11674-FDS

**PLAINTIFFS' DECLARATION OF COUNSEL IN SUPPORT OF PLAINTIFFS'
RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT AND MOTIONS TO EXCLUDE PLAINTIFFS' EXPERTS, JAMES
TERTIN AND WILLIAM VIGILANTE, PhD.**

I, Robert Zimmerman, Esq., am an attorney admitted pro hac vice to practice law before this Court, affirm the following to be true, upon information and belief, under penalties of perjury:

1. I am a member of the firm Saltz Mongeluzzi Bendesky, P.C., attorneys for Plaintiffs' Jacques Desrosiers and Yvette L. Desrosiers. I am over the age of 18 and am fully familiar with the facts and circumstances set forth herein based upon my participation in this case as counsel of record for Plaintiffs.

2. This Declaration is submitted in support of Plaintiffs' Response in Opposition to Defendant's Motion for Summary Judgment, and Motions to exclude Plaintiffs' experts, James Tertin and William Vigilante, Jr., PhD.

3. Attached as Exhibit 1 is a true and accurate copy of Dr. Vigilante's Expert Report

4. Attached as Exhibit 2 is a true and accurate copy of Dr. William Vigilante's *Curriculum Vitae*.

5. Attached as Exhibit 3 is a true and accurate copy of Dr. William Vigilante's deposition transcript in this matter, dated December 23, 2024.

6. Provided to the Court as a hard copy, Exhibit 4 is a disk containing true and accurate copies of Dr. Vigilante's testing videos.

7. Attached as Exhibit 5 is a true and accurate copy of James Tertin's Expert Report.

8. Attached as Exhibit 6 is a true and accurate copy of James Tertin's *Curriculum Vitae*.

9. Attached as Exhibit 7 is a true and accurate copy of James Tertin's deposition transcript in this matter, dated October 4, 2024.

10. Provided to the Court as a hard copy, Exhibit 8 is a disk containing true and accurate copies of Dr. Vigilante's testing videos.

11. Attached as Exhibit 9 is a true and accurate copy of Jaques Desrosier's deposition transcript.

12. Provided to the court as a hard copy, Exhibit 10 is a disk containing a true and accurate copy of Jaques Desrosier's incident video.

13. Attached as Exhibit 11 is a true and accurate copy Officer Joseph DeSimone's deposition transcript.

14. Attached as Exhibit 12 is a true and accurate copy of Lt. George Sabbey's deposition transcript.

15. Attached as Exhibit 13 is a true and accurate copy of Chris Meyers' deposition transcript in *Cole v. Sig Sauer*, No.: 1:23-cv-00327-NT (D. Maine), dated February 21, 2025.

16. Attached as Exhibit 14 is a true and accurate copy of Matt Farkas' deposition transcript in *Cole v. Sig Sauer*, No.: 1:23-cv-00327-NT (D. Maine), dated February 17, 2025.

17. Attached as Exhibit 15 is a true and accurate copy of Matt Farkas' deposition transcript in *Powers v. Sig Sauer*, 20-CA-1741 (Fla. 12th Cir. Ct. Dec. 29, 2022), dated January 13, 2023.

18. Attached as Exhibit 16 is a true and accurate copy of Sean Toner's deposition transcript in *Slatowski v. Sig Sauer*, No. 21-729-RBS (E.D. Pa), dated January 10, 2023.

19. Attached as Exhibit 17 is a true and accurate copy of Matt Taylor's deposition transcript in *Glasscock v. Sig Sauer*, dated September 10, 2024.

20. Attached as Exhibit 18 is a true and accurate copy of Derek Watkins' deposition transcript in *Slatowski v. Sig Sauer, Inc.*, No. 21-729-RBS (E.D. Pa), dated January 10, 2023.

21. Attached as Exhibit 19 is a true and accurate copy of Derek Watkins' expert report in *Herman v. Sig Sauer, Inc.*, No. CIV 21-1038-R (W.D. Okla. Sept. 8, 2023).

22. Attached as Exhibit 20 is a true and accurate copy of Derek Watkins' expert report in *Desrosiers v. Sig Sauer*.

23. Attached as Exhibit 21 is a true and accurate copy of Eric Warren's expert report in *Desrosiers v. Sig Sauer*.

24. Provided to the Court as a hard copy, Exhibit 22 is a disk containing true and accurate copies of Other Similar Instances of P320 Unintentional Discharges

25. Attached as Exhibit 23 is a true and accurate copy of the Other Similar Instance Affidavits.

26. Attached as Exhibit 24 is a true and accurate copy of Officer Daniel Witts' deposition transcript, dated July 11, 2024.

27. Attached as Exhibit 25 is a true and accurate copy of Sgt. Marvin Reyes' deposition transcript, dated August 11, 2022.

28. Attached as Exhibit 26 is a true and accurate copy of Detective David Cole's deposition transcript, dated August 30, 2024.

29. Attached as Exhibit 27 is a true and accurate copy of Officer Robert Greene's deposition transcript, dated May 24, 2023.

30. Attached as Exhibit 28 is a true and accurate copy of Plaintiff's Motion in Limine to Allow Evidence of Other Similar Instances, *Catatao v. Sig Sauer, Inc.*, No. 1:22-cv-10620-PBS (D. Mass).

31. Attached as Exhibit 29 is a true and accurate copy of the United States Immigration and Customs Enforcement Agency Executive Summary, *Increase in ICE Unintentional Discharges*.

32. Attached as Exhibit 30 is a true and accurate copy of the Supplemental Data to of the United States Immigration and Customs Enforcement Agency Executive Summary, *Increase in ICE Unintentional Discharges*.

33. Attached as Exhibit 31 is a true and accurate copy of the National Fraternal Order of Police Letter, dated November 21, 2024.

34. Attached as Exhibit 32 is a true and accurate copy of the Pennsylvania State Police Personal Carry/Off Duty Carry Bulletin Packet.

35. Attached as Exhibit 33 is a true and accurate copy of the Puerto Rico Police Department Unintended Discharge Report, 2020-March 2024.

36. Attached as Exhibit 34 is a true and accurate copy of the Oklahoma Highway Patrol Unintended Discharge Report.

37. Attached as Exhibit 35 is a true and accurate copy of the Washington State Criminal Justice Training Commission, February 2025 Report.

38. Attached as Exhibit 36 is a true and accurate copy of Lt. George Sabbey's Emails to Cambridge Police Department's P320 Supplier, Atlantic Tactical, October 2017 – November 2017.

39. Attached as Exhibit 37 is a true and accurate copy of Lt. George Sabbey Emails with Sig Sauer's Law Enforcement Sales Representative, Dan Boulerice, October 2017 – January 2018.

40. Attached as Exhibit 38 is a true and accurate copy of the Failure Modes Effects and Criticality Analysis ("FMECA")

41. Attached as Exhibit 39 is a true and accurate copy of Dr. Rauschenberger's *Curriculum Vitae*.

42. Attached as Exhibit 40 is a true and accurate copy of the Sig Sauer P320 Owner's Manual.

43. Attached as Exhibit 41 is a true and accurate copy of the Court's Decision and Order in *Lang v. Sig Sauer, Inc.*, No. CIV 1:21-CV-04196 (N.D.G.A. September 28, 2023).

44. Attached as Exhibit 42 is a true and accurate copy of the Court's Decision and Order in *Davis v. Sig Sauer, Inc.*, 126 F.4th 1213 (6th Cir. 2025).

45. Attached as Exhibit 43 is a true and accurate copy of the Court's Decision and Order in *Catatao v. Sig Sauer, Inc.*, No. CV 22-10620, 2024 WL 4012002 (D. Mass. July 9, 2024).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

SALTZ MONGELUZZI & BENDESKY P.C.

/s/:Robert W. Zimmerman

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***Attorneys for Plaintiffs, Officer Jacques Desrosiers and
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CERTIFICATE OF SERVICE

I, Robert W. Zimmerman, hereby certify that the foregoing document and all attached exhibits referenced therein, if any, were filed on the Court's ECF system, where they are available for viewing and download by all counsel of record, and the filing of this document automatically generates a notification to all counsel of record by email, which constitutes good service under the rules of this Court.

March 28, 2024

/s/: Robert W. Zimmerman
Robert W. Zimmerman